

SECOND REGULAR SESSION

SENATE BILL NO. 1354

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR STEELMAN.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4688S.011

AN ACT

To repeal sections 565.252 and 565.253, RSMo, and to enact in lieu thereof one new section relating to invasion of privacy.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 565.252 and 565.253, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 565.252, to read as follows:

565.252. 1. A person commits the crime of invasion of privacy [in the first degree] if such person:

(1) Knowingly photographs or films another person[, without the person's knowledge and consent,] while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy[,] **or the full or partial nudity was not intended by the person being photographed or filmed** and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer **without the written consent of the person being photographed or filmed;** or

(2) Knowingly disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this subsection or in violation of section 565.253.

(3) Knowingly uses a concealed camcorder or photographic camera of any type to secretly videotape, photograph, film, or record by electronic means another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by the other person without such person's consent.

2. Invasion of privacy in the first degree is a class D felony **unless more than one**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

person is viewed, photographed, or filmed in full or partial nudity during the same course of conduct or unless committed by a person who has previously pled guilty to or has been found guilty of invasion of privacy, in which case, invasion of privacy is a class C felony.

3. A person who commits the crime of invasion of privacy in violation of subdivision (2) of subsection 1 of this section is guilty of a class A misdemeanor unless committed by an individual who has previously pled guilty to or has been found guilty of invasion of privacy, in which case, invasion of privacy is a class D felony.

[565.253. 1. A person commits the crime of invasion of privacy in the second degree if:

(1) Such person knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

(2) Such person knowingly uses a concealed camcorder or photographic camera of any type to secretly videotape, photograph, or record by electronic means another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

2. Invasion of privacy in the second degree pursuant to subdivision (1) of subsection 1 of this section is a class A misdemeanor; unless more than one person is viewed, photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of privacy is a class D felony. Invasion of privacy in the second degree pursuant to subdivision (2) of subsection 1 of this section is a class A misdemeanor; unless more than one person is secretly videotaped, photographed or recorded in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of privacy is a class C felony. Prior pleas or findings of guilt shall be pled and proven in the same manner required by the provisions of section 558.021, RSMo.]